

## Town of Milan Comprehensive Plan

### 1. Introduction

\* Further input was sought from the public through a booth manned by CPB members at Community Day in September 2004. A regional workshop, conducted in October 2004, was attended by four neighboring towns and representatives of the Dutchess County Planning and Development Department, State Senator Leibell's office, and the Greenway Council. The participants provided valuable guidance and helped to prioritize the 3 top issues for the Milan Comprehensive Plan. These can be summarized as:

- 1) Plan for open space ... avoid sprawl.
- 2) Avoid "cookie cutter" zoning.
- 3) Keep dialogue open with surrounding towns and continue intermunicipal cooperation.

The Commissioner of the Dutchess County Department of Planning and Development, Roger Akeley, endorsed the use of several of the new planning and zoning concepts outlined in this document. He specifically commented on avoiding sprawl, the importance of compact growth centers to the preservation of rural character, and the importance of requiring preservation of open space in development regulations.

The CPB conducted three public workshops (two in November 2004, and one in January 2005) to review the preliminary recommendations of the Board with the community. The workshops focused on four concepts, which will be discussed in subsequent chapters:

- 1) The establishment of a maximum desired density for the purposes of town planning.
- 2) The creation of priority growth area(s) in the town.
- 3) The establishment of a large lot zoning overlay zone (a Rural Space Overlay Zone).
- 4) The establishment of Planned Purpose Development districts for two purposes: traditional walking neighborhoods and senior housing/assisted living.

The public provided substantial support for these new directions. The most common concern noted was population density. Two of the sessions also reviewed individual committee recommendations in breakout groups. Again, the public was highly supportive of the committee's directions.

A draft of the plan was prepared and delivered to the Town Board for review on March 11, 2005. It was simultaneously made available to the public at no charge through the Town web site, at Town Hall and in the local libraries.

On April 9, 2005 the CPB Chair participated in a Lafayetteville community discussion sponsored by the Town Supervisor. This discussion occurred in a heated environment due to the publication of an anonymous opposition flyer that misstated the contents of the CPB's draft plan. A committee of volunteer citizens met with the Supervisor the next week to discuss what they would like to see going forward for Lafayetteville. The meeting was well attended and valuable feedback was received by the CPB, which has been incorporated into this recommended plan.

Public hearings were held on April 14 and April 16, a weeknight and a Saturday morning, to permit as many to attend as possible. A total of 43 people made 54 comments at these sessions, with many others present to listen. A majority of the total comments were positive, and a large proportion of the speakers were supportive of the plan. The CPB considered all comment, both positive and negative, made in the Public Hearings. A record of those comments is provided in the appendix. CPB responses regarding some of the issues raised are also provided in the appendix.

A major study of gravel and sand resources in Milan, conducted by a consulting geologist hired by Red Wing Sand and Gravel, was submitted at the final public hearing on April 16, 2005 and a meeting with the CPB was suggested by Art Brod, a consultant retained by Red Wing. Despite the late submission of this information, the CPB invited Red Wing representatives to make a presentation to the CPB and the

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### 3. Course Changes for Milan

#### D. Conservation Subdivisions

The CPB recommends that the Town Board pass zoning and subdivision regulations that will require developers to protect our environmental resources and rural landscape through the use of conservation subdivisions. Under New York State law, conservation subdivisions are a form of clustering. The goal of a conservation subdivision is to site the development in ways that retain valued natural features of the land. Today, conservation subdivisions can be required by the Planning Board; they should be required for all development proposals in the proposed Rural Space Overlay Zone. Setting clear environmental standards in our Comprehensive Plan, Town regulations and Planning Board procedures will expedite the application process for developers who further the vision of Milan and plan their subdivisions accordingly.

#### E. Density Planning Guidelines

The Comprehensive Plan Board recommends that the Town establish a density benchmark as a guide for future planning and assessment of the effectiveness of the tools outlined. The U.S. Census can provide only an imperfect measure of the Town's actual developed status, since approximately 20% of the Town's population (weekenders and part-time residents) is recorded elsewhere in the census. If we are to use the Census as a measure of density, it would seem prudent to adopt a density benchmark of 120 people per square mile, about twice the population recorded in the 2000 census. The real population, in terms of housing developed, would bring the total population, including those not counted in the Milan census, to approximately 150 per square mile. Workshop feedback has strongly endorsed keeping the level below 150, including all housed populations, to preserve the natural resources and rural character of Milan. This density benchmark is intended only as a planning guideline. It is neither practical nor legal to legislate population size. Having a population benchmark in mind, however, can be useful for examining the effectiveness of zoning and land use decisions over time, and can inform future changes to the comprehensive plan.

#### F. Summary

This Comprehensive Plan is intended to serve the interests of all the citizens of Milan. The CPB developed these recommendations with the public's input in the plan process as well as from research into trends and conditions that exist today. Keeping Milan rural is the central priority of Milan's citizens, which relates very closely to the need to protect our environmental resources and open space.

To accomplish these, the CP proposes limiting development on large rural properties in Milan. The resulting large lots will be of high value, and will also pay relatively higher taxes for our schools and local governments, potentially reducing the relative burden on landowners with smaller properties. The plan also reflects residents' desire to live in a diverse community and for our current residents and their children to have an opportunity to be able to find and afford housing in Milan. Town government does not have the authority to control market prices, and today large lots are no longer affordable for many of the town's residents. Without large lots, however, we will sacrifice our rural residential character and the landscape that makes Milan unique and valued by its citizens. To balance this, therefore, it is imperative that the Town provide some small lot and multifamily housing that is affordable for people of moderate income. We believe this plan, when implemented, will provide the tools to make these goals possible.

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### 6. Infrastructure

development causes the need for new schools or additions and additional bus routes. Further perspective on school taxes is addressed separately in a paper in the appendices.) Development is, in turn, a function of land-use decisions made by municipal officials. While Milan can control some of the increase in school taxes by restraint in residential development, school taxes are ultimately beyond the control of any one municipality when school districts draw students from multiple municipalities and counties, as is the case in the three school districts supporting Milan. This is an area where regional discussion and cooperation is important to the well-being of the citizens of each municipality.

7) Water and Wastewater Treatment Systems. Any water or wastewater system can become a burden to town taxpayers. In Milan there is only one small community water system, located on the Carvel property; their requirement for future water system development awaits the Carvel plan and findings of the environmental impact statement. Most Town residences are serviced by individual wells; the maintenance of clean water is a concern of the newly appointed Town Conservation Advisory Council. In some circumstances, common or shared systems may be appropriate to enable efficient development of clustered subdivisions. Given the lack of community water supply, it is important that adequate water is available to provide fire-fighting capability.

The potential need for central water or wastewater treatment systems in conjunction with proposed compact development in priority growth areas with planned purpose development is a controversial subject. Part of the concern is the cost of potential required connection to such a system. As pointed out in the Lafayetteville meetings, residential lots of less than one acre and commercial operations are not practical from a health and safety perspective without some type of central wastewater treatment system. Today many new technologies for small-scale wastewater treatment that have minimal aesthetic impact on the community are available. In many situations, such systems can be a more environmentally sound and healthy alternative to engineered septic or mound systems. More information should be provided by the Town, working with Dutchess County, to enable the community to weigh the benefits such systems could bring to land-use opportunities in the priority growth areas. In particular, it is recommended the Town explore the potential role of the Dutchess County Water and Wastewater Authority. The CPB understands that Dutchess County is willing to manage such facilities in municipalities, at least in some circumstances. The County's "Smart Growth Housing Task Force Report" of December 2001 recommended that: "The County should use funds from the Partnership for Manageable Growth to assist with the financing of water and/or sewer installation for moderately priced homes on small lots, townhouses or multifamily housing. The availability of water and sewer is essential to the development of moderately priced housing on small lots and this program will help municipalities bring such services to a site by providing matching grants for pre-construction/feasibility studies and construction projects."

8) Recreation. Milan is blessed with large protected state, county and Town lands for recreational purposes, including three state multiple use areas, a county park — Wilcox Park — and the Town Recreation Park.

Jackie Reynolds, Milan's Recreation Department Chair, reports that the Town Park has a Little League field and a softball field that are regularly used evenings during the spring and summer, principally by three leagues: Little League baseball, the Girls Taconic Softball Little League, and the Dutchess County Volunteer Firemen's Softball League. A basketball court is used for pickup games, and space is available for a volleyball court. There is a playground that gets limited use; its vitality would be enhanced by a new merry-go-round and a few unique pieces of equipment for variety. An obsolete merry-go-round has been removed and new playground equipment will be installed in 2006.

The surrounding larger towns where students go to school offer much competition that addresses recreational needs. The schools and larger towns have organized recreation departments and swim programs not available in Milan where youth tend to go to participate in recreational offerings with their schoolmates. Similarly little demand is noted in Milan for soccer fields and tennis courts—our citizens



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## 7. Residential Development

Chapter Highlights:

Residential development is at the core of the issues facing Milan. The Town's growth and its impact on environmental resources and rural quality of life are therefore central to this comprehensive plan. Historic growth at 25% per decade shows no sign of abating; in fact, it appears to be increasing. Existing zoning is inadequate to prevent sprawl. Rapid population increases cause significant pressure on our schools and taxes. However, large-lot zoning, taken alone, only causes sprawl to eat up the landscape faster, and large-lot zoning is not affordable to many in the community today. The CP incorporates tools to expand housing diversity and affordability, particularly for senior citizens, for young families, and for those with moderate incomes who cannot afford large-lot housing. Housing on smaller, more affordable lots and multifamily units are important elements of this effort. The plan also recommends tools that enable the Town to manage growth in a controlled way while protecting our environmental resources and our rural residential character. The tools proposed will make more compact development possible in Milan's historic hamlets through the adoption of a planned purpose development concept. This concept applies only when willing owners propose development that the Town finds consistent with its objectives. Across the balance of the town, the CPB proposes a Rural Space Overlay Zone that, when coupled with a requirement for siting homes in conservation subdivisions, will protect our environmental resources, prevent sprawl, provide a restraining effect on small landowner property taxes, and limit future growth in town—all consistent with maintaining our rural character. The intent of these proposals is to put Milan's future in the hands of Milan's people, not in the hands of outside developers leaving with their profits at the community's expense.



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A very different definition of affordable housing is provided in the book *Well Grounded: Using Land Use Authority to Achieve Smart Growth*, by John Nolon, Director of Pace University's Land Use Law Center. It defines "affordable housing" as "Housing developed through some combination of zoning incentives, cost-effective construction techniques, and governmental subsidies which can be rented or purchased by households who cannot afford market-rate housing in the community." One of the virtues of this definition is that it recognizes two important factors: (1) the Town cannot determine the market value of housing in the community, however, (2) there are actions the Town can take when planning for the future to help provide some level of affordable housing. In this plan we refer to affordable housing in the context of people's ability to obtain housing, and to actions the Town can take to ensure there is a level of housing available to moderate-income households earning less than the median household income.

8) Senior Housing. Although Milan has a slightly lower percentage of senior citizens than does Dutchess County overall, with 264 people aged 65+ in the 2000 census (11.2% of the population), it is well-known that baby boomers will soon swell the seniors' ranks. While many residents indicate they would like to stay in Milan as they age, they cite the lack of any senior housing in Milan and concerns with the rising cost of taxes. Thirty-seven percent of the 2000 survey respondents mentioned the need for senior housing. Today's Milan seniors are outspoken in voicing a desire to see some sort of affordable senior housing.

9) Historic Housing. Over 85% of Milan residents have indicated that it is important to maintain historic structures. Little progress has been made in this area since the 1986 Master Plan recommendations were published.

\* 10) Multifamily Housing. Milan permits two- and multi-family housing across its primary zoning districts. While small multifamily structures are endorsed in this plan as one of our affordable housing solutions, surveys and conversations with Town residents reveal that large multifamily housing (apartment buildings) is not desirable and should not be encouraged. These buildings are inconsistent with the rural character of the Town.

11) Mobile Homes. Allowing mobile homes in the Town was viewed as negative by over 72% of the residents in one Town survey, who also felt their placement should be restricted to designated areas in Town. The CPB has concluded that mobile homes should be allowed as per current regulations as an available affordable housing option; however, mobile home parks should not be allowed in future zoning regulations.

### C. Goals and Vision

If Milan is to implement the vision and overriding wishes of its residents it must sensibly control the number and location of new lots and devise a better way to approach development. The current zoning and land-use regulations, if left unchanged, will result in a suburban, built-out Milan in the future, like most other communities in Dutchess County. If Milan's residents value rural atmosphere, uncongested roadways, and forests and fields not ravaged by 21<sup>st</sup> century sprawl, then new, innovative zoning regulations must be implemented.

All surveys (the 1986 Master Plan survey, the Town's 2000 questionnaire, and Comprehensive Plan outreach discussions) indicate that the paramount goal of Milan's residents is to KEEP MILAN RURAL. Milan's citizens want to retain the rural character of their Town and to protect the environmental and scenic resources that make Milan a unique residential community. Today, rapid growth threatens those values. Dr. John Nolon, Director of the Land Use Law Center at Pace University, recently commented on the crisis of neighborhood character erosion and land disappearance: "The crux of the issue comes down to local zoning laws that define how land can be used. The laws simply must be changed" (*Poughkeepsie Journal*, February 27, 2005).

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critical to the social health of the community. However, this diversity can not be maintained if the cost of housing rises beyond the means of many of its citizens. The current housing market is rapidly driving up the cost of housing beyond what many people can afford. Using the US Department of Housing and Urban Development's affordability formula<sup>1</sup>, the Milan median household income of \$54,491 per year, and taxes and overhead typical to the Milan area, the maximum affordable home price for the Milan median income household is \$143,813. Based on 2004 housing sales, only 5 homes sold for less than this price therefore 91% of the homes were out of reach for the median income family. This presents a particular problem to young families seeking to obtain their first home.

\* Current zoning permits multifamily dwellings, accessory apartments, and mobile homes. These offer affordable housing alternatives and the CPB recommends they remain in the zoning code with amendments where appropriate. The CPB further recommends that incentive zoning be considered as another way to increase the stock of affordable housing. However, considering the small size of the Town and the housing market pressures outside the Town, there is not much the Town can do to directly affect housing prices.

Across the country there is private sector interest in providing affordable housing. There are many varied approaches taken by these for-profit ventures, such as cottage communities, mixed use areas, and clustered communities, and there are new approaches constantly being developed. If there is to be any significant impact on affordable housing in Milan it will most likely be the result of private investment. But at this point it is not known which alternatives would be suitable for Milan, which approaches the citizens would like to see developed, and where they should be located. For this reason the CPB recommends a PPD for affordable housing to enable the Town to consider any serious proposal.

C. Traditional Walking Neighborhood. In *Well Grounded*, by Dr. John Nolon, a traditional walking neighborhood is discussed as one that provides for pedestrian-friendly mixed-use areas, with buildings that face the street and are located at maximum rather than minimum setbacks to bring them close to sidewalks. Such centers are within walking distance of residential areas providing a diversity of housing types. They offer an excellent opportunity to create "flex housing" -- two-story, street-front buildings with a small commercial space on the ground floor and housing above. Traditional walking neighborhoods are typically viewed as having a radius from the center of  $\frac{1}{4}$  to  $\frac{1}{2}$  mile, approximately a 5-10 minute walk. The Town owns land at the intersection of South Road and Route 199; a small unused portion of this site could serve as a catalyst for the development of such an area.

Today, the minimum lot size in a hamlet is one acre. To permit development on lots of less than one acre would require construction of expensive water treatment facilities, the cost and maintenance of which the Town is unable to bear. Making an agreement with a developer, however, who will construct a water treatment system and/or construct a number of affordable units as part of a planned purpose development, provides a viable way forward. The planned purpose development options described above can provide a needed degree of flexibility. Such agreements can and should specify a number of units reserved on a priority basis as the Town desires -- for example, for seniors or as affordable housing for municipal or emergency service employees. Current zoning does not allow for the sort of multiple unit housing necessary for senior housing. However, individual or small group senior housing in a compact planned purpose development would be appropriate, and should first be made available to current Milan residents. Allowing zoning flexibility -- always consistent with the larger interests of the Town and its residents -- will enable new types of carefully planned development. The Town need only allow such projects in cooperation with a responsible developer willing to comply with the Town's approach and serve Town interests while serving his own.

<sup>1</sup> See "Affordable Housing in Milan: Is It Possible with Current Zoning", 7-13-05, L Kingman, in Appendix)  
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Regulations will need to be developed to implement the planned purpose development concept as part of Milan's Town Code. These regulations should be developed through public dialogue with the residents of the hamlets and the Town, and criteria for the use of the Planning Board and Town Board when considering a planned purpose development application should be established.

\* 5. Affordable Housing Options and Incentive Zoning. As noted above, affordable housing is a problem in Milan, as it is in many areas in Dutchess County. Milan residents want to see diversity in housing available in Town. Current zoning regulations already allow for affordable housing types that are in keeping with the rural residential character of Milan. These include multiple-family homes, accessory apartments and mobile homes. The CPB concluded that we should retain quality mobile homes as a housing option in the Town, despite some contrary views, as one mechanism to provide affordable options. Residents make clear, however, that mobile home parks are not in keeping with the vision of Milan for the future. In addition to the existing options, the CPB recommends that the Town adopt incentive zoning or density bonuses and other appropriate techniques and use its influence in connection with future planned purpose development proposals and conservation subdivisions to expand the availability of affordable housing. Allowing developers of large projects a modest percentage of bonus units could, over time, modestly increase the stock of affordable housing.

The above zoning proposals will lead Milan to a responsible, balanced land-use plan that respects the interests of homeowners and honors the wishes of its residents to avoid sprawl and suburbanization, to protect the Town's natural resources and to provide more affordable housing options for seniors, young families and those of moderate income. The proposed Rural Space Overlay Zone is identified on a map contained in the appendix, as is a map depicting the  $\frac{1}{4}$  and  $\frac{1}{2}$  mile radii from our two major hamlet intersections.

6. Additional Zoning Proposals. In addition to these major changes in Milan's approach to zoning, the CPB recommends changes to zoning in a number of other areas.

A. Rezoning of parcels adjacent to the Lafayetteville hamlet. The CPB recommends that the small parcels along North Road and east of the Taconic State Parkway be zoned hamlet. We recommend that the large parcel east of North Road that was previously zoned R2A and apparently rezoned through a map error in 2003 to A5A, be returned to its original R2A classification. These rezoning actions are wholly consistent with concepts of a compact, mixed-use area that could evolve to become a traditional walking neighborhood and support some senior and affordable units.

B. Accessory dwelling units (ADUs). An ADU is created by converting part of, or adding onto, an existing detached single-family home, or by converting part of or all of a secondary building (garage, barn, etc.) into a residential housing unit on the same building lot.

ADUs help maintain a balanced approach to housing needs. Flexibility in accessory housing should be allowed while protecting the rights of neighbors, as well as the interests of Town residents. Generally, current regulations regarding accessory apartments achieve that balance and should remain unchanged. However, the committee would like to ease the burden that a five-year waiting period for converting existing nonresidential building to accessory apartments status (200 1E) can entail. We are concerned, however, that such apartments not become common and used as a form of rental housing. For this reason, the CPB recommends that accessory apartments require that either the principal dwelling or the accessory unit be owner-occupied on a continuing basis as a condition of granting and renewing special-use permits for these units.

\* Multiple dwellings of up to four units should be encouraged only in the designated PPDs of Town. An accessory apartment should be permitted.